

REMARKS

Claims 2, 13, 16-18 are all the claims pending in the present application, claims 1, 3-12, 14 and 15 having been canceled as indicated herein. The Examiner maintains the same rejections of claims 1-18 as set forth in the previous Office Action. Specifically, claims 1-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mano et al. (U.S. Patent No. 5,793,366) in view of Lawande et al. (U.S. Patent No. 6,405,247).

With respect to dependent claim 2, Applicant amends this claim, as indicated herein, and submits that the applied references, either alone or in combination, do not disclose or suggest at least that, “wherein the client device establishes said communication channel with respect to the server devices by periodic polling in the step (a), wherein said periodic polling occurs at regular intervals,” as recited in claim 2. On pages 4-5 of the present Office Action, the Examiner alleges:

As to claims 2 and 13, Applicant argues that Mano does not teach polling for server devices. Examiner agrees that Mano does not expressly use the term polling. However, Mano’s system teaches discovering that a device is connected via receiving a signal after the device is “hot plugged” (plug and play type detection) to the serial bus network. It would have been apparent to one of ordinary skill at the time the invention was made that polling procedures may be contained in Mano’s operational software which polls components that are hot-plugged into the serial bus network. Man does not need to expressly use the term polling in the disclosure since one skilled in the art is presumed to know something about the art apart from what the references literally disclose. (See *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962)). Nonetheless, official note is taken that polling is a well known method of detecting newly connected devices and depending upon the applications utilized Mano would have been motivated to implement this advance method of device detection without departing from Mano’s inventive concept.

In response, Applicant maintains the previously submitted arguments that the Examiner is obviously utilizing impermissible hindsight reasoning in determining that the subject matter of claims 2 and 13 is satisfied by Mano, and Applicant submits that even if a determination is made as to whether a component has been hot-plugged into a serial bus network, there is no disclosure or suggestion that such determination amounts to periodic polling. That is, there is no polling that occurs at regular intervals. Applicant amends claim 13, as indicated herein, and maintains that this claim is patentable at least based on reasons similar to those set forth above with respect to claim 2.

With respect to claims 16-18, Applicant amends these claims, as indicated herein, and submit that the Examiner simply states that Mano and Lawande discloses the features set forth in these claims, however the Examiner does not support this allegation with citations from the applied references. Further, these references clearly do not disclose the specific limitations set forth in claims 16-18. That is, neither Mano nor Lawande disclose or suggest the specific ways in which a change in the operation state of a specific server device is determined or how the difference between a previous operation state and a current operation state is examined. At least because the Examiner does not demonstrate that the applied references satisfy the features in claims 16-18, and because neither Mano nor Lawande discloses or suggests the features of claims 16-18, Applicant maintains that these claims are patentably distinguishable over the applied references, either alone or in combination.

At least based on the foregoing, Applicant submits that claims 2, 3, and 16-18 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.114 (c)
U.S. Application No.: 09/445,769

Attorney Docket No.: Q57164

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

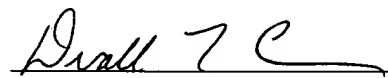
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